



## Proposed Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Education
<b>Virginia Administrative Code (VAC) citation</b>	8 VAC 20 -542-10
<b>Regulation title</b>	Regulations Governing the Review and Approval of Education Programs in Virginia
<b>Action title</b>	Regulations Governing the Review and Approval of Education Programs in Virginia
<b>Document preparation date</b>	Revised June 28, 2006

This information is required for executive review ([www.townhall.state.va.us/dbbpages/apaintro.htm#execreview](http://www.townhall.state.va.us/dbbpages/apaintro.htm#execreview)) and the Virginia Registrar of Regulations ([legis.state.va.us/codecomm/register/regindex.htm](http://legis.state.va.us/codecomm/register/regindex.htm)), pursuant to the Virginia Administrative Process Act ([www.townhall.state.va.us/dbbpages/dpb\\_apa.htm](http://www.townhall.state.va.us/dbbpages/dpb_apa.htm)), Executive Orders 21 (2002) and 58 (1999) ([www.governor.state.va.us/Press\\_Policy/Executive\\_Orders/EOHome.html](http://www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)), and the *Virginia Register Form, Style and Procedure Manual* ([http://legis.state.va.us/codecomm/register/download/styl8\\_95.rtf](http://legis.state.va.us/codecomm/register/download/styl8_95.rtf)).

### Brief summary

*In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.*

The program approval process in Virginia is designed to ensure an alignment between approved education programs and the needs of prek-12 schools. Due to significant proposed revisions to the *Regulations Governing Approved Programs for Virginia Institutions of Higher Education*, (8 VAC 20-541-10 et. seq.), Effective July 1, 2001, the Board of Education proposes to promulgate new *Regulations Governing the Review and Approval of Education Programs in Virginia* (8 VAC 20-542-10 et. seq.).

The proposed new regulations are outlined in detail under the “Substance” section. Substantive elements of the proposed new regulations focus on revision of selected definitions to conform with changes in the proposed new regulations; modifications in administration of the proposed new

regulations, including separation of the accreditation process from the program approval process; the development of regulations focused on biennial measures of accountability; and inclusion and modification of competencies for preparation programs for school personnel contained in the 1998 Regulations Governing the Licensure of School Personnel.

## Basis

*Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

- **Code of Virginia, Section 22.1-16. Bylaws and regulations generally:** The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.
- **Code of Virginia, Section 22.1-298. Regulations Governing Licensure:** Persons seeking initial licensure who graduate from a Virginia institution of higher education shall, on or after July 1, 2002, only be licensed as instructional personnel by the Board of Education if the endorsement areas offered at such institution have been assessed by a national accrediting agency or by a state approval process, with final accreditation by the Board of Education.
- **Code of Virginia, Section 22.1-305.2 Advisory Board on Teacher Education and Licensure:** The Advisory Board on Teacher Education and Licensure shall advise the Board of Education and submit recommendations on policies applicable to [Teacher Education and Licensure].

## Purpose

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.*

As stipulated in Section 22.1-298 of the *Code of Virginia*, the Board of Education prescribes the requirements for the licensure of teachers and establishes other requirements for teacher preparation. The program approval process in Virginia is designed to ensure an alignment between approved education programs and the needs of prek-12 schools.

During recent years, national, state, and local educators as well as members of the general public have placed increased emphasis on the need to ensure in our nation's schools the provision of highly qualified teachers who in turn make a positive impact on prek-12 student achievement. Federal legislation such as the 2001 *No Child Left Behind Act (NCLB)* and the 1998

*Reauthorization of the Title II Higher Education Act (Title II HEA)* clearly express the need for increased accountability from states and institutions of higher education in the preparation, certification, and licensure of teachers and other school personnel.

## Substance

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)*

### **8 VAC 20-542-10. Definitions**

- Selected definitions have been revised to conform with changes in Parts II through VII of the proposed regulations:
  - “Accredited institution” means an institution of higher education accredited by a regional accrediting agency recognized by the United States Department of Education.
  - “Accredited program” means a professional education program accredited by the National Council for the Accreditation of Teacher Education (NCATE), or the Teacher Education Accreditation Council (TEAC), or a process approved by the Board of Education.
  - “Biennial accountability measures” means those specific benchmarks set forth in Part IV, 8 VAC 20-542-40 to meet the standards required to obtain or maintain program approval status.
  - “Biennial report” means the report submitted to the Virginia Department of Education every two years by approved education programs.
  - “Candidates” means individuals enrolled in education programs.
  - “Candidates completing a program” means individuals who have successfully completed all coursework, required assessments, including those prescribed by the Board of Education, and supervised student teaching or required internship.
  - “Candidates exiting a program” means individuals who have successfully completed all coursework, regardless of whether the individuals attempted, passed, or failed required assessments, including those prescribed by the Board of Education, and/or who may not have completed supervised student teaching or required internship.

- “Regional accrediting agency” means one of the six accrediting associations, including New England Association of Schools and Colleges; Middle States Association of Colleges and Schools; North Central Association of Colleges and Schools; Southern Association of Colleges and Schools; Western Association of Schools and Colleges, recognized by the United States Department of Education.

### **8VAC 20-542-20. Administering the Regulations**

- The following modifications have been incorporated in this section:
  - Professional education programs shall obtain national accreditation from the National Council for the Accreditation of Teacher Education (NCATE), the Teacher Education Accreditation Council (TEAC), or a process approved by the Board of Education.
  - Teacher candidates shall complete academic degrees in the arts and sciences (or equivalent), except in health, physical, and career and technical education. Candidates in early/primary education (pre-K-6), middle education (6-8), and special education programs may complete a major in interdisciplinary studies or its equivalent.
  - Professional studies coursework and methodology, excluding field experiences, are limited to 24 semester hours for any baccalaureate degree program (or equivalent thereof) in early/primary education (prek-3), elementary education (prek-6), and special education. All other baccalaureate degree programs (or equivalent thereof) shall not exceed 18 semester hours of professional coursework and methodology, excluding field experiences.
  - Institutions of higher education seeking approval of an education program shall be accredited by a regional accrediting agency.
  - If a professional education program fails to maintain accreditation, enrolled candidates shall be permitted to complete their programs of study. Professional education programs shall not admit new candidates. Candidates shall be notified of program approval status.
  - Education programs shall ensure that candidates demonstrate proficiency in the use of educational technology for instruction and complete study in child abuse recognition and intervention.
  - Standards and procedures for the review and approval of each education program shall adhere to procedures for administering the regulations as defined in Part II, 8 VAC 20-542-20, Part IV, 8 VAC 20-542-40, Part V, 8 VAC 20-542-50, and Part VII, 8 VAC 20-542-70. These procedures shall result in biennial

recommendations to the Board of Education for one of the following three ratings: “approved,” “approved with stipulations,” or “approval denied.”

- Education programs shall be approved under these regulations biennially based on compliance with the criteria described in 8 VAC 20-542-40.
- Education programs shall submit to the Department of Education, on behalf of each education program under consideration, a Program Compliance Certification Affidavit in accordance with Department procedures and timelines.
- The education program administrator shall maintain copies of approved programs and required reports.
- The Department of Education may conduct on-site visits to review programs and verify data.

### **8 VAC 20-542-30. Accreditation or a Process Approved by the Board of Education**

- Each professional education program shall obtain and maintain national accreditation from the National Council for the Accreditation of Teacher Education (NCATE), the Teacher Education Accreditation Council (TEAC), or a process approved by the Board of Education.
- Each professional education program seeking accreditation through a process approved by the Board of Education shall be reviewed. A report of the review shall be submitted to the Board of Education in accordance with established timelines and procedures and shall include one of the following recommendations: 1) accredited; 2) accredited with stipulations; or 3) accreditation denied.
  - Accredited – The professional education program meets standards outlined in Part VI, 8 VAC 20-542-60.
  - Accredited with Stipulations – The professional education program has met the standards minimally, but significant weaknesses have been identified. Within a two year period, the professional education program shall fully meet standards as set forth in Part VI, 8 VAC 20-542-60.
  - Accreditation Denied – The professional education program has not met standards as set forth in Part VI, 8 VAC 20-542-60. The State Council of Higher Education for Virginia (SCHEV) shall be notified of this action by the Department of Education. Professional education program accreditation that has been denied may be considered by the Board of Education after two years if a written request for review is submitted to the Department of Education.

- Professional education programs seeking accreditation through a process approved by the Board of Education shall adhere to the following requirements:
  1. Alignment with the accreditation standards in Part VI, 8 VAC 20-542-60; and
  2. Alignment with the competencies for endorsement areas in Part VII, 8 VAC 20-542-70 of these regulations.

#### **8 VAC 20-542-40. Standards for Biennial Approval of Education Programs**

- Approved education programs in Virginia shall have national accreditation or be accredited by a process approved by the Board of Education and demonstrate achievement biennially of the following accountability measures:
  1. candidate progress and performance on prescribed Board of Education licensure assessments;
  2. candidate progress and performance on an assessment of basic skills as prescribed by the Board of Education for individuals seeking entry into an approved education preparation program;
  3. structured and integrated field experiences to include directed student teaching requirements;
  4. evidence of opportunities for candidates to participate in hard-to-staff schools throughout the field experiences;
  5. evidence of contributions to prek-12 student achievement by candidates completing and exiting the program;
  6. evidence of employer job satisfaction with candidates completing and exiting the program;
  7. partnerships and collaborations based on prek-12 school needs; and
  - ~~8. evidence of increased candidate enrollment.~~

#### **8 VAC 20-542-50. Application of Standards for Biennial Approval of Education Programs**

- As a prerequisite to program approval, the professional education program shall have national accreditation or be accredited by a process approved by the Board of Education as prescribed in Part III, 8 VAC 20-542-30 and Part IV, 8 VAC 20-542-60 Failure to do so will result in the education program being designated as “Approval Denied.”

- The education program’s candidate passing rates shall not fall below 70 percent biennially for individuals completing and exiting the program. Achievement of an 80 percent biennial passing rate for individuals completing and exiting the program shall be required by July 1, 2010.
- The education program is responsible to certify documented evidence that standards as set forth in Part IV, 8 VAC 20-542-40 have been met.
- The education program shall develop biennial accountability measures to be reviewed and approved by the Board of Education for ~~the following standards:~~ [partnerships and collaborations based on preK-12 school needs.] The education program shall meet or provide documented evidence of progress made toward meeting the biennial accountability measures approved for these standards.

~~1. Partnerships and collaborations based on prek-12 school needs.~~

~~2. Evidence of increased candidate enrollment.~~

- After submitting to the Department of Education the information contained in Part V, 8 VAC 20-542-50, the education program shall receive one of the following three ratings:
  1. Approved – The education program has met all standards set forth in Part IV, 8 VAC 20-542-40.
  2. Approved with Stipulations – The education program has met standards A and B and is making documented progress toward meeting standards in C and D set forth in Part V, 8 VAC 20-542-50.
  3. Approval Denied – The education program has not met standards A and B set forth in Part V, 8 VAC 20-542-50. The program shall be denied and the public notified. The program may resubmit a request for approval at the end of the next biennial period.

**8 VAC 20-542-60. Standards for Board of Education Approved Accreditation Process**

- Standards for the Board of Education approved accreditation process are set forth in Part VI, 8 VAC 20-542-60 of the proposed regulations.

**8 VAC 20-542-70. Competencies for Endorsement Areas**

- The competencies in the 1998 *Regulations Governing the Licensure of School Personnel* were modified and moved to the *Proposed Regulations Governing Review and Approval of Education Programs in Virginia*.

**8 VAC 20-542-80. Professional studies requirements for early/primary education, elementary education, and middle education; and**

**8 VAC 20-542-120. Professional studies requirements for prek-12 endorsements, special education, secondary grades 6-12 endorsements, and adult education.**

- Removed coursework on Foundations of Education;
- Added coursework on Instructional Design Based on Assessment Data and coursework on Classroom Management;
- Added language regarding second language learners;
- Revised student teaching experience to require a minimum of 500 clock hours with at least 300 clock hours in direct teaching activities.

**8 VAC 20-542-460. Special Education - special education adapted curriculum K-12; and**

**8 VAC 20-542-470. Special Education - special education general curriculum K-12.**

- Removed endorsements in special education-emotionally disturbances, special education-mental retardation, special education-severe disabilities, and special education-specific learning disabilities.
- Established new endorsements in special education adapted curriculum K-12 and special education general curriculum K-12.

**8 VAC 20-542-480 Special Education - speech-language pathology assistants prek-12.**

- Established a new endorsement for speech-language pathology assistants.

**8 VAC 20-542-530. Administration and supervision prek-12.**

- Added the requirement of a school leaders assessment as prescribed by the Board of Education for individuals seeking an initial endorsement for administration and supervision as a principal or an assistant principal;
- Added requirement for completion of internship, to include 440 clock hours, with a minimum of 320 clock hours of a deliberately structured and supervised experience.

**8 VAC 20-542-540. Mathematics specialist for elementary and middle education.**

- Established an endorsement in mathematics specialist for elementary and middle education.

**8 VAC 20-542-590. Special education speech-language disorders prek-12.**

- Moved the special education speech-language disorders prek-12 endorsement to the pupil personnel services support section of the regulations.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including:*  
 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;  
 2) the primary advantages and disadvantages to the agency or the Commonwealth; and  
 3) other pertinent matters of interest to the regulated community, government officials, and the public.

*If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.*

The *Code of Virginia* requires that the Board of Education prescribe the requirements for the licensure of teachers and establishes other requirements for teacher preparation. New regulations are needed to respond to enactments of federal and state laws. The primary advantage is that the proposed new regulations will be aligned with federal and state laws and recommendations to improve the preparation of instructional personnel in Virginia.

**Economic impact**

*Please identify the anticipated economic impact of the proposed regulation.*

<b>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</b>	The implementation of approved program regulations will have administrative costs borne by the Department of Education, colleges and universities and other entities seeking education program approval.
<b>Projected cost of the regulation on localities</b>	Cost to localities should be minimal.
<b>Description of the individuals, businesses or other entities likely to be affected by the regulation</b>	37 colleges and universities with approved education programs; other entities, including school divisions seeking education program approval; and the Virginia Department of Education
<b>Agency’s best estimate of the number of such entities that will be affected</b>	37 colleges and universities; 132 school divisions

<p><b>Projected cost of the regulation for affected individuals, businesses, or other entities</b></p>	<p>If an on-site review of education programs is required, the host professional education program will fund expenses.</p>
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**Alternatives**

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.*

Input has been received from a variety of audiences in the education community to develop the proposed regulations. The requirements were reviewed and developed. However, no specific alternatives other than promulgating new regulations have been considered to meet the purpose of this action. It should be noted that plans to monitor these regulations, if approved, will be done electronically. The proposed regulations set out nine accountability measures that can be electronically reported and evaluated.

**Public comment**

*Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
<p>Professors and Deans representing public and private universities (Randolph Macon College and Radford University)</p>	<p>University representatives expressed opposition to the proposed requirement of a “critical mass” of candidates as a determinant for biennial approval of education programs.</p>	<p>During the Board of Education’s first review of the proposed regulations, the term “critical mass” was deleted and a change was made in the proposed language to require “evidence of increased candidate enrollment” in education programs as a biennial measure of accountability. No other changes were made.</p>

**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability.*

The proposed new regulations have no potential impact on the institution of the family and family stability.

**Detail of changes**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.*

*If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.*

For changes to existing regulations, use this chart:

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change and rationale</b>

The Board of Education proposes to promulgate new *Regulations Governing the Review and Approval of Education Programs in Virginia* (8 VAC 20-542-10 et. seq.). Please refer to the response under the *Substance* section of this document for proposed changes.